

Removal of delinquent property taxes from tax rolls
(HB 910 by Geistweidt)

DIGEST: The bill would have required tax collectors to remove from the delinquent tax rolls all taxes presumed paid because they were delinquent for more than the limitation period prescribed under sec. 33.05 of the Tax Code. The current limits are four years for personal property, 20 years for real property.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the bill violated Art. 3, sec. 55 of the Constitution. (Art. 3, sec. 55 prohibits the Legislature from cancelling the debt of any individual or corporation to the state or to a political subdivision, except delinquent taxes which have been due for at least ten years.)

SPONSOR'S
VIEW:

Rep. Geistweidt said the bill would not have cancelled the delinquent taxpayer's debt, since current law already provides that a tax delinquent for more than the limitation period is presumed paid unless a suit to collect the tax is pending. He said the bill was carried for the Tax Assessor-Collectors Association, to allow them to clean up their rolls by removing debts that will never be collected. "The Governor didn't understand the bill," said Geistweidt, "and he didn't call before the veto so I could explain it. He just knee-jerked it."

Repeal of Obstruction to Air Navigation Act
(HB 1273 by Pierce)

DIGEST: The bill would have repealed the Obstruction to Air Navigation Act, (VACS arts. 46i-1 through 46i-9) which was passed in 1983. The act authorizes the Texas Aeronautics Commission to regulate the construction of structures that will block navigable airspace and to collect \$200 for permits for such structures. TAC has never received an appropriation for enforcing the act.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said repeal of the act "could pose a substantial risk to the safety of our citizens who travel by air." "Although this program has not been funded," he said, "I believe it far better to continue the authority of the Commission in this safety-related area with the goal of future funding, rather than to repeal the law in its entirety."

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VIEW:

Rep. Pierce said the Obstruction to Air Navigation Act was a "well-intentioned law," written to regulate tall structures around airports, for which no money has ever been appropriated. "The Governor's own budget recommended substantially less than half the minimum amount necessary to enforce the statute," he said. Even if the law were funded, Pierce said, the Texas Aeronautics Commission estimates that 93 percent of the structures intended for regulation (primarily telecommunications towers) are exempt. And, although it receives no money to enforce the act, TAC receives and must administer applications for exemption. "With over nine-tenths of structures intended for regulation exempt, and with the responsible agency prevented from enforcing the measure, I don't think this veto is doing the flying public any favors," Pierce said.

Habeas corpus release based on new evidence
(HB 1323 by Danburg)

DIGEST:

This bill would have given the Court of Criminal Appeals the authority to release a defendant upon a finding by the convicting court that newly discovered evidence existed. The convicting court would have to have found that the defendant did not know and could not reasonably have known about the evidence during the trial, and that the evidence was admissible and material enough to alter the outcome of the trial.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the bill would have jeopardized the finality of state criminal convictions. "Executive clemency is available for any defendant who was wrongly convicted," he said.

SPONSOR'S
VIEW:

Rep. Danburg said that since the bill was permissive, it would not have undermined the finality of state criminal convictions. Rather, she said, it would have